

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cr-0043
)	
MARVELLOUS EGHAGHE,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is the United States’ (the “Government”) Unopposed Motion to Continue Trial, currently scheduled for February 14, 2021. (ECF No. 40.) For the reasons stated herein, the Court will grant the motion to continue. The time to try this case is extended up to and including April 18, 2022.

On December 7, 2021, the Government filed a motion to continue trial, ECF No. 40. In the motion, counsel for the Government asserts that he will be away, serving on military duty, from January 23, 2022 through February 25, 2022. (ECF No. 40 at 1.) Counsel further represents that defense counsel does not object to the motion.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the United States Court of Appeals for the Third Circuit has recognized that “whether or not a case is ‘unusual’ or ‘complex,’ an ‘ends of justice’ continuance may in appropriate circumstances be granted.” *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994). Here, an extension is necessary to allow counsel to serve the country through his appointed military service. As such, the Court specifically finds that the ends of justice served by granting a continuance outweigh the interest of the public and Eghaghe in a speedy trial.

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Further, in the Thirty-Third Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak, the Court ordered that all civil and criminal jury trials scheduled in February of 2022 be continued pending further Order of the Court. <https://www.vid.uscourts.gov/sites/vid/files/general-ordes/Order%20-%20Thirty-Third%20Operational%20Order%20Concerning%20COVID-19%20Outbreak.pdf>. In the order, the Court specifically found “that the ends of justice served by taking such action materially outweigh the best interests of the public and any defendant in a speedy trial and speedy indictment in view of the serious public health impact of COVID-19” *Id.*

The premises considered, it is hereby

ORDERED that the United States’ Unopposed Motion to Continue Trial, ECF No. 40, is **GRANTED**; and it is further

ORDERED that the jury selection and trial in this matter **SHALL** commence promptly at 9:00 a.m. on April 18, 2022, in St. Thomas Courtroom 1.

Dated: February 7, 2022

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge